

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
PETER CHEE,

Plaintiff,

v.

THE ROCKEFELLER UNIVERSITY HOSPITAL and
ROCKEFELLER UNIVERSITY,

Defendants.
-----X

Index No. _____
Date Purchased: _____

SUMMONS

Plaintiff designates New York
County as the place of Trial.

The basis of venue is:
Defendants' place of business

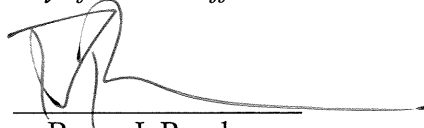
Plaintiff resides at: 9 Warren
Place, Montclair, NJ 07042

To The Above-Named Defendant(s)

You Are Hereby Summoned to answer the complaint in this action, and to serve a copy of your answer, of if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY
October 2, 2019

RESSLER & RESSLER
Attorneys for Plaintiff

By: 
Bruce J. Ressler
48 Wall Street
New York, NY 10005
(212) 695-6446

TO:

The Rockefeller University Hospital
1230 York Avenue
New York, NY 10021

Rockefeller University
1230 York Avenue
New York, NY 10021

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PETER CHEE,

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VERIFIED COMPLAINT

Index No.: _____

Jury Trial Demanded

Plaintiff, Peter Chee, by his attorneys, Ressler & Ressler, for his complaint against defendants The Rockefeller University Hospital and Rockefeller University alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

1. Plaintiff Peter Chee is a resident of Essex County in the State of New Jersey.
2. At the time of the incidents giving rise to this Complaint, plaintiff was a resident of New York County in the State of New York.
3. At all times herein mentioned, defendant The Rockefeller University Hospital was a not-for-profit corporation incorporated in the State of New York by virtue of the laws of the State of New York.
4. At all times herein mentioned, defendant Rockefeller University was a not-for-profit corporation incorporated in the State of New York by virtue of the laws of the State of New York.
5. At all times herein mentioned, defendant The Rockefeller University Hospital was located at 1230 York Avenue, New York, New York 10021.

6. At all times herein mentioned, defendant Rockefeller University was located at 1230 York Avenue, New York, New York 10021.

7. At all times herein mentioned, Dr. Reginald Archibald was a physician operating under the direction and control of defendant(s) The Rockefeller University Hospital and/or The Rockefeller University, and its agents, servants, and/or employees.

8. At all times herein mentioned, Dr. Reginald Archibald was an agent, servant, and/or employee of defendant(s) The Rockefeller University Hospital and/or The Rockefeller University.

9. In the 1970s, Dr. Reginald Archibald sexually assaulted and unlawfully touched plaintiff, Peter Chee, on multiple occasions, while plaintiff was a patient at defendant(s) The Rockefeller University Hospital and/or The Rockefeller University. During these visits, Dr. Reginald Archibald also took illicit photographs of plaintiff and asked plaintiff to masturbate in front of him.

10. Dr. Reginald Archibald was able to gain access to plaintiff by using his position of authority as a physician affiliated with defendants, provided by defendants, The Rockefeller University Hospital and/or The Rockefeller University, to gain the trust of plaintiff, other children, and their families.

11. Defendants The Rockefeller University Hospital and/or The Rockefeller University failed to remove Dr. Reginald Archibald from his position as a physician and/or take any steps to keep this sexual predator away from children. In fact, defendants continued to allow, encourage, and/or permit Dr. Reginald Archibald to have unfettered access to infants, including plaintiff.

12. The negligence and recklessness of defendants, The Rockefeller University Hospital and/or The Rockefeller University, caused Dr. Reginald Archibald to have access to infants, on hospital premises and elsewhere, despite its knowledge that Dr. Reginald Archibald sexually abused children and/or had the propensity to sexually abuse children. Defendants are therefore liable for the injuries that plaintiff suffered because, but for the negligence of defendant(s), plaintiff would not have suffered the mental and physical anguish inflicted by Dr. Reginald Archibald.

13. As a result of the actions and/or inaction and/or negligence of defendants, The Rockefeller University Hospital and/or The Rockefeller University, and Dr. Reginald Archibald, plaintiff has endured and continues to suffer severe emotional distress, and felt and continues to feel ashamed and uncomfortable.

14. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, were negligent in failing to protect its infant patients, including plaintiff, from Dr. Reginald Archibald, despite defendants having knowledge that Dr. Reginald Archibald sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Dr. Reginald Archibald to continue to have a position of authority and power and in failing to adequately supervise Dr. Reginald Archibald.

**AS AND FOR A FIRST CAUSE OF ACTION
NEGLIGENT HIRING, RETENTION, SUPERVISION AND/OR DIRECTION**

15. Plaintiff repeats, realleges, and reiterates each and every allegation contained in the preceding paragraphs of this complaint as if fully set forth herein.

16. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, at all relevant times, had a duty to supervise and prevent known risks of harm to its infant patients, including plaintiff, by its physicians and staff.

17. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, were negligent in hiring, retaining, directing, and supervising its personnel, including Dr. Reginald Archibald, who were careless, unskillful, negligent, reckless, and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of physicians and hospital staff who would have been properly supervising the physicians and hospital staff to ensure the safety of its infant patients, including plaintiff.

18. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, knew or should have known that Dr. Reginald Archibald sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.

19. As a direct and proximate cause of defendants, The Rockefeller University Hospital and/or The Rockefeller University's negligent hiring, supervising, and retention of Dr. Reginald Archibald, plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not yet been ascertained.

20. By reason of the foregoing, defendants The Rockefeller University Hospital and/or The Rockefeller University, is/are liable to plaintiff for compensatory damages and punitive damages, together with costs and interest in an amount which exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
NEGLIGENCE/GROSS NEGLIGENCE**

21. Plaintiff repeats, realleges, and reiterates each and every allegation contained in the preceding paragraphs of this complaint as if fully set forth herein.

22. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, knew or negligently failed to know that Dr. Reginald Archibald sexually abused and/or posed a threat of sexual abuse to children.

23. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, at all relevant times, owed a duty of care to plaintiff and other infant patients, including, but not limited to *in loco parentis*, to keep them safe from sexual abuse by physicians and staff under its supervision and control.

24. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, at all relevant times, and/or its agents, servants, and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused plaintiff to be sexually abused by Dr. Reginald Archibald while on defendants The Rockefeller University Hospital and/or The Rockefeller University's premises.

25. As a result of defendant The Rockefeller University Hospital and/or The Rockefeller University's failure to carry out its duty to plaintiff, plaintiff was caused to experience severe psychological injuries and the loss of enjoyment of life. These injuries are persistent, permanent, and debilitating in nature.

26. By reason of the foregoing, plaintiff is entitled to compensatory and punitive damages, together with costs and interest in an amount which exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

27. Plaintiff repeats, realleges, and reiterates each and every allegation contained in the preceding paragraphs of this complaint as if fully set forth herein.

28. As described above, defendants, The Rockefeller University Hospital and/or The Rockefeller University, and Dr. Reginald Archibald acted in a negligent and/or grossly negligent manner.

29. Defendants, The Rockefeller University Hospital and/or The Rockefeller University and its agents, servants, and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to plaintiff.

30. Defendants, The Rockefeller University Hospital and/or The Rockefeller University, had the power, ability, authority, and duty to intervene and/or stop the improper conduct that resulted in plaintiff being sexually abused by Dr. Reginald Archibald.

31. Despite said knowledge, power, and duty, defendants The Rockefeller University Hospital and/or The Rockefeller University negligently failed to act to stop, prevent, and prohibit the improper conduct that resulted in Dr. Reginald Archibald sexually abusing plaintiff.

32. The actions and/or inaction of defendants, The Rockefeller University Hospital and/or The Rockefeller University and Dr. Reginald Archibald endangered plaintiff's safety and caused him to fear for his own safety.

33. As a direct and proximate result of the actions of defendants, The Rockefeller University Hospital and/or The Rockefeller University and Dr. Reginald Archibald, which included, but were not limited to, negligent and/or grossly negligent conduct, plaintiff suffered

severe injuries and damages as described herein, including, but not limited to, mental and emotional distress.

34. By reason of the foregoing, plaintiff is entitled to compensatory and punitive damages, together with costs and interest in an amount which exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff respectfully requests that Court enter judgment on its Complaint as follows:

(1) Awarding compensatory damages in an amount to be proven at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;

(2) Awarding punitive damages to the extent permitted by law;

(3) Awarding prejudgment interest to the extent permitted by law;

(4) Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;

(5) Awarding such other and further relief that this Court deems just and proper.

Dated: New York, NY
October 2, 2019

RESSLER & RESSLER
Attorneys for Plaintiff

By: 

Bruce J. Ressler

48 Wall Street
New York, NY 10005
(212) 695-6446

ATTORNEY'S VERIFICATION

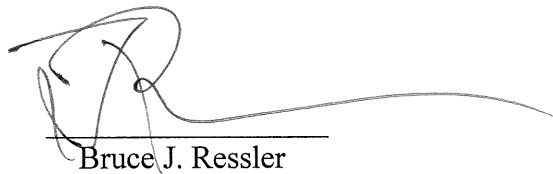
The undersigned, an attorney admitted to practice in the courts of New York State, affirms under the penalty of perjury:

1. Your affirmant is a member of the firm, Ressler & Ressler, the attorneys of record for Plaintiff in the within action; your affirmant has read the foregoing Verified Complaint, knows the contents thereof; the same is true to your affirmant's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters your affirmant believes it to be true.

2. This verification is made by your affirmant and not by plaintiff because plaintiff does not reside in the county where your affirmant's office is located.

3. The grounds of your affirmant's belief as to all matters not stated upon your affirmant's own knowledge are as follows: investigation, correspondence and conferences.

Dated: New York, NY
October 2, 2019



Bruce J. Ressler

SUPREME COURT OF THE STATE OF NEW YORK
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**SUMMONS &
VERIFIED COMPLAINT**

RESSLER & RESSLER
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Fax: (212) 268-0287